

Applicant : Ying Wen Hsu
Appl. No. : 09/998,867
Examiner : Brian Healy
Docket No. : 703427.5 (formerly 263/288)

REMARKS

Claims 1-73 are pending in this application. Claims 1, 7, 16, 23-51, 57-60 and 64-73 have been amended herein.

Rejections under 35 USC §102

Claims 1-6, 8-10, 12, 14-25, 28-29, 31-34, 41-43, 45-46, 66-69, 71 and 72 were rejected under 35 USC §102(b), as being anticipated by Harman (U.S. Patent 5,727,099). Claims 1-51 and 64-73 were rejected under 35 USC §102(e), as being anticipated by Espindola et al (U.S. Patent 6,102,582).

Claims 1, 16 and 23 have been amended to recite "a micro-electro mechanical device" comprising a movable structure (claims 1 and 16) or movable platform (claim 23) and actuator both formed by a semiconductor process. The Applicants respectfully submit that the cited references fail to teach, suggest or disclose a micro-electro mechanical (MEM) device or a movable structure or movable platform and actuator formed by a semiconductor process as recited in claims 1, 16 and 23.

Harman's device is essentially an instrument formed by an assembly consisting of optical fibers and manually operated mechanical elements, such as a threaded screw, bearing, and nut. Harman's device is not and cannot be a MEM device because, for example, the screw, bearing and nut have no MEM equivalent and cannot be fabricated by any MEM process. Furthermore, Harman teaches using relatively large scale hand-operated levers (see abstract) and thumb knobs (col. 5, line 10) that cannot be MEM devices due to their prohibitively large size.

Likewise, Espindola also fails to disclose a MEM device as recited in the claims. Furthermore, Espindola describes an assembly of mechanical elements that have no MEM equivalent and cannot be fabricated by a MEM process. For instance, Espindola relies heavily on electro-magnets used with solenoids having multiple coiled windings (col. 3, ll. 33-42; col. 5, ll. 21-28; col. 7 ll. 4-9 and FIGs. 1, 3 and 7).

Therefore, neither the Harman nor the Espindola reference disclose all of the elements of amended claims 1, 16 or 23. Consequently, independent claims 1, 16 and

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23 are patentably distinguishable over the Harman and Espindola references. The pending dependent claims 2-15, 17-22, 24-51, 64-73 are patentable over these references for at least the same reasons their independent claims are patentable.

Amendments to Claims 57-60

The Applicants have amended claims 57-60, which were allowed in the Office Action. These amendments replaced the term "device" with the term "system" in the preamble as necessitated by an amendment to the base claim 23. Thus, the Applicants respectfully submit that these amended claims remain in allowable form.

Conclusion

Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

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By: _____

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